

## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

---

### **FAIR HOUSING INITIATIVES PROGRAMS**

**Fair Housing – Private Enforcement Initiative  
(PEI)**

**Fair Housing Education and Outreach  
Initiative (EOI)**

**Fair Housing Organizations Initiative (FHOI)**



## Fair Housing Initiatives Program

### Overview Information

A. *Federal Agency Name*: Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity.

B. *Funding Opportunity Title*: Fair Housing Initiatives Program (FHIP).

C. *Announcement Type*: Initial announcement.

D. *Funding Opportunity Number*: The **Federal Register** number for this NOFA is FR-4900-N-22. The OMB Approval Number is: 2539-0033.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s)*: Private Enforcement Initiative (PEI) 14.410; Fair Housing Organizations Initiative (FHOI) 14.413; Education and Outreach Initiative (EOI) 14.409.

F. *Dates*: The application due date shall be on or before June 29, 2004. Please see the General Section for information on submission and timeliness requirements.

G. *Optional, Additional Overview Content Information*:

1. FHIP funds are used to increase compliance with the Fair Housing Act (the Act) and with substantially equivalent State and local fair housing laws.

2. Approximately \$17,730,525 in FY2004 funds and any potential recapture is allocated to three (3) initiatives as follows:

a. Private Enforcement Initiative (PEI) \$11,850,000.

b. Education and Outreach Initiative (EOI) \$ 3,780,525.

c. Fair Housing Organizations Initiative (FHOI) \$2,100,000.

3. HUD expects to award a cost reimbursable cooperative agreement or grant agreement to each applicant selected for award. Upon completion of negotiations, HUD reserves the right to use the funding instrument it determines is most appropriate. Eligible applicants are Qualified Fair Housing Enforcement Organizations (QFHOs) and Fair Housing Enforcement Organizations (FHOs); see 24 CFR 125.103; public or private, for-profit or not-for-profit organizations or institutions, and other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices (including entities that will be established as a result of receiving an award under this FHIP NOFA); agencies of state or local governments; and agencies that participate in the Fair Housing Assistance Program. Except for applicants under FHOI, applicants may not submit multiple applications under this NOFA;

If you are interested in applying for funding under the Fair Housing Initiatives Program (FHIP), please review carefully the General Section of the SuperNOFA (hereafter, the General Section), the FHIP Authorizing Statute (sec. 561 of the Housing and Community Development Act of 1987, as amended), the FHIP Regulations (24 CFR 125.103-501),

For planning purposes, assume a start date no later than September 30, 2004.

### Full Text of Announcement

#### I. Funding Opportunity Description

For Fiscal Year 2004, \$20,130,525 is appropriated for the Fair Housing Initiatives Program. Of this amount, \$17,730,525 is being made available on a competitive basis to eligible organizations responding to this FHIP program section of the SuperNOFA.

*Authority*. Section 561 of the Housing and Community Development Act of 1987, as amended, (42 U.S.C. 3616) established the Fair Housing Initiatives Program (FHIP) and the implementing regulations are found at 24 CFR part 125.

#### A. FHIP Initiatives and Components

The Fair Housing Initiatives Program (FHIP) and its regulations at 24 CFR part 125, assists fair housing activities that increase compliance with the Fair Housing Act (the Act) and with substantially equivalent fair housing laws administered by state and local government agencies under the Fair Housing Assistance Program (FHAP).

##### 1. Private Enforcement Initiative (PEI)

This Initiative assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Act and substantially equivalent state and local fair housing laws.

##### 2. Education and Outreach Initiative (EOI)

This Initiative assists projects that inform the public about the rights and obligations under the Act and substantially equivalent state and local fair housing laws. Under this Initiative, you must develop a complaint referral process so that activities funded under this Initiative will result in referrals to HUD of fair housing complaints and other information regarding possible discriminatory housing practices. Applications are solicited for this Initiative under the EOI-Regional/Local/Community-Based Program (R/L/C-B)—in which activities are conducted on a regional/local/community-based level, or under a National Program in which activities are conducted on a national

level. Applicants who apply under EOI R/L/C/B may apply under one of four components, as follows: EOI General Component; EOI Disability Component; EOI Hispanic Fair Housing Awareness Component; or the EOI Fair Housing and Minority Homeownership Component. Applicants applying under the EOI National Program only apply for one component, the Media Campaign Component. Applications submitted under EOI are required to describe a complaint referral process that should result in referrals to HUD of fair housing complaints and other information regarding discriminatory housing practices.

#### 3. Fair Housing Organizations Initiative (FHOI)

This Initiative provides assistance to projects (sponsoring organizations) that establish or build the capacity of organizations to become viable fair housing enforcement organizations that conduct fair housing activities in underserved areas (as defined in section III Program Definitions) or in rural areas and areas with new immigrants (especially racial and ethnic minorities who are not English-speaking or have limited English proficiency). This is accomplished with the assistance of a sponsoring organization. The sponsoring organization must submit the application and must certify that the sponsored organization has the ability to become a QFHO or FHO. The period of performance for the award of funds to assist in capacity building activities is renewable for a period of up to three years, based upon successful performance of the sponsored organization. Funds are distributed to the sponsored organization by the sponsoring organization. All fund distributions are based on the performance of both the sponsoring and the sponsored organization. The sponsoring organization may expend FHIP funds for administrative costs as described below. HUD has targeted for funding under this Initiative projects that will provide fair housing enforcement services to rural areas, to underserved areas, and to immigrants (especially racial and ethnic minorities who are not English speaking or have limited English proficiency).

#### B. Program Definitions

The definitions that apply to this FHIP section of the NOFA are as follows:

1. *Broad-based proposals* are those that include activities that are not limited to a single fair housing issue; instead, they cover multiple issues related to housing discrimination

covered under the Act, such as: rental, sales and financing of housing. (*See also* Full Service Projects below).

2. *Complaint* means the person, including the Assistant Secretary for Fair Housing and Equal Opportunity at HUD, who files a complaint under section 810 of the Fair Housing Act.

3. *Disability Advocacy Groups* means organizations that traditionally have provided for the civil rights of persons with disabilities. This would include organizations such as Independent Living Centers and cross-disability legal services groups. Such organizations must be experienced in providing services to persons with a broad range of disabilities, including physical, cognitive, and psychiatric/mental disabilities. Such organizations must demonstrate actual involvement of persons with disabilities throughout their activities, including on staff and board levels.

4. *Enforcement proposals* are potential complaints under the Act that are timely, jurisdictional, and well-developed, that could reasonably be expected to become enforcement actions if an impartial investigation finds evidence supporting the allegations and the cases proceeded to a resolution with HUD or FHAP Agency involvement.

5. *Fair Housing Act* means Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600–3620).

6. *Fair Housing Assistance Program (FHAP) Agencies* mean State and local fair housing enforcement government agencies that receive FHAP funds because they administer laws deemed substantially equivalent to the Act, as described in 24 CFR part 115.

7. *Fair Housing Enforcement Organization (FHO)* means an organization engaged in fair housing activities as defined in 24 CFR 125.103.

8. *Full-service projects* must include the following enforcement-related activities in your project application: Interviewing potential victims of discrimination; analyzing housing-related issues; taking complaints; testing; evaluating testing results; conducting preliminary investigations; conducting mediation; enforcing meritorious claims through litigation or referral to administrative enforcement agencies; and disseminating information about fair housing laws.

9. *Grassroots organizations.* *See* General Section.

10. *Jurisdiction* means that the complaint must be timely filed; the complainant must have standing; the respondent and the dwelling involved (where the complaint involves a

provision or denial of a dwelling) must be covered by the Act; and the subject matter or issue, and the basis of the alleged discrimination, must constitute illegal practices as defined by the Act.

11. *Meritorious claims* means enforcement activities by an organization that resulted in lawsuits, consent decrees, legal settlements, HUD and/or substantial equivalent agency (under 25 CFR 115.6) conciliations and organization initiated settlements with the outcome of monetary awards for compensatory and/or punitive damages to plaintiffs or complaining parties, or other affirmative relief, including the provision of housing (24 CFR 125.103).

12. *Minority Serving Institutions* (*See* General Section).

13. *Operating budget* means your organization's total planned budget expenditures from all sources, including the value of in-kind and monetary contributions, in the period for which funding is requested.

14. *Qualified Fair Housing Enforcement Organization (QFHO)* means an organization engaged in fair housing activities as defined in 24 CFR 125.103.

15. *Regional/Local/Community-Based Activities* are defined at 24 CFR 125.301(a) and (d).

16. *Rural Areas*, according to the Rural Housing and Economic Development Program of Community Planning and Development (CPD), may be defined in one of the following five ways:

- a. A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas);
- b. A county with no urban population (*i.e.*, city) of 20,000 inhabitants or more; territory, persons and housing units in the rural portions of 'extended cities;'
- c. The rural portions of extended cities in the United States as identified by the U.S. Census Bureau;
- d. Open country that is not part of or associated with an urban area. The United States Department of Agriculture (USDA) describes open country as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers or canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, and open space set aside for future development; or
- e. Any place with a population not in excess of 20,000 and that is not located in a Metropolitan Statistical Area.

17. *Traditional Civil Rights Organizations* mean non-profit organizations or institutions and/or

private entities with a history and primary mission of securing Federal civil rights protection for groups and individuals protected under the Act or substantially equivalent state or local laws and that are engaged in programs to prevent or eliminate discriminatory housing practices.

18. *Underserved Areas* mean jurisdictions where there are no Fair Housing Initiatives Program or Fair Housing Assistance Program agencies and where either no public or private fair housing enforcement organizations exist or the jurisdiction is not sufficiently served by one or more public or private enforcement fair housing organizations and there is a need for service.

19. *Underserved Populations* mean groups of individuals who fall within one or more of the categories protected under the Act and who are also:

- a. Of an immigrant population (especially racial and ethnic minorities who are not English-speaking or with limited English proficiency);
- b. In rural populations;
- c. The homeless;
- d. Persons with disabilities who can be historically documented to have been subject to discriminatory practices not having been the focus of federal, state or local fair housing enforcement efforts; and
- e. Areas that are heavily impacted with minorities and there is inadequate protection and ability to provide service from the state or local government or private fair housing organizations.

## II. Award Information

The amount available for each initiative or component and the maximum amount of funds that can be awarded for each award are specified as follows:

A. *Private Enforcement Initiative (PEI)*. Approximately \$11,850,000 is allocated; maximum award is \$275,000 per grant; project duration is 12–18 months. For PEI, the estimated number of awards is 43.

B. *Education and Outreach Initiative (EOI)*. Approximately \$3,780,525 is allocated to five components under this initiative for EOI, the estimated number of awards is 33. The maximum award is \$100,000 for the R/L/CB Program and the project duration is 12–18 months. These components are as follows:

- 1. EOI–General Component. Approximately \$1,980,525 is allocated.
- 2. EOI–Disability Component. Approximately \$500,000 is allocated.
- 3. Hispanic Fair Housing Awareness Component. Approximately \$400,000 is allocated.

4. Fair Housing and Minority Homeownership Component. Approximately \$400,000 is allocated.

The fifth Component falls under the EOI-National Program:

5. Media Campaign Component. Approximately \$500,000 is allocated. The maximum award for the EOI National Program "Media Campaign Component is \$500,000 and the project duration is 12 months.

C. *Fair Housing Organizations Initiative (FHOI)*. Approximately \$2,100,000 is allocated; project duration is three years. Maximum award is \$1,050,000 allocated over a three-year period at up to \$350,000 per year. For FHOI the estimated number of awards is two.

D. *Award Instrument*. The type of funding instrument HUD may offer a successful applicant which sets forth the relationship between HUD and the grantee will be a grant or cooperative agreement, where the principal purpose is the transfer of funds, property, services, or anything of value to the applicant to accomplish a public purpose. Upon completion of negotiations, HUD reserves the right to use the funding instrument it determines is most appropriate. The agreement will identify the eligible activities to be undertaken, financial controls, and special conditions, including sanctions for violations of the agreement. HUD will determine the type of instrument under which your award will be made and monitor your progress to ensure that you have achieved the objectives set out in your agreement. Failure to meet such objectives may be the basis for HUD determining your agreement to be in default and exercising available sanctions, including suspension, termination, and/or the recapture of your funds. Also HUD may refer violations or suspected violations to enforcement offices within HUD, the Department of Justice, or other enforcement authorities.

If awarded as a Cooperative Agreement, HUD will also exercise the right to have substantial involvement by conducting quarterly reviews and approval of all proposed deliverables documented in the applicant's Work Plan or Statement of Work (SOW), and determining whether the agency meets all certification and assurance requirements under the grants, cooperative agreement, etc. This assessment will also be carried out by using the information supplied by the agency in its proposed Logic Model (Rating Factor 5). If upon completion of this assessment by your Government Technical Representative (GTR) a determination is made that your

quarterly requirements have not been met, you, the grantee, will be obligated to provide additional information or make modifications, as necessary, in a time frame to be established by your GTR.

E. *Project Starting Period*. For planning purposes, assume a start date no later than September 30, 2004.

### III. Eligibility Information

#### A. Eligible Applicants

##### 1. Private Enforcement Initiative (PEI)

a. *Eligible Applicants*. Eligible applicants are fair housing enforcement organizations (FHOs) with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the two years prior to the filing of this application (24 CFR 125.401(b)(2)) and Qualified Fair Housing Enforcement Organizations (QFHOs) with at least two years of enforcement-related experience, as noted above, and meritorious claims in the three years prior to filing this application, (24 CFR 125.103). All applicants claiming QFHO and FHO status are required to be a 501(c)(3) tax-exempt organization and also to submit with their application a copy of its Letter of Determination from the Internal Revenue Service (IRS) in support of its 501(c)(3) tax-exempt status.

b. *Eligible Activities* include:

(1) Complaint intake of allegations of housing discrimination, testing, evaluating testing results, or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws. As a condition of funding, you will be required to refer to HUD all cases arising from FHIP-funded enforcement activities (*see* Mandatory Referrals, section V. "In addition").

(2) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(3) Mediated agreements or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(4) Litigating fair housing cases including procuring expert witnesses.

c. *Eligibility of Successor Organization*. HUD recognizes that QFHOs and FHOs may merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO or FHO status upon the successor. To determine

whether the successor organization meets the eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization is not eligible to apply under this Initiative unless it establishes it its application that it is a private, tax-exempt organization with the requisite two years of enforcement related experience for a QFHO or one year experience for an FHO.

##### 2. Education and Outreach Initiative

a. *Eligible Applicants*. Eligible applicants are QFHOs; FHOs; public or private, for-profit or not-for-profit organizations, or institutions or other public or private entities, that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, agencies of State, or local governments; and agencies that participate in the FHAP. If you are a disability advocacy group, or an organization that partners with or substantially provides activities for grassroots faith-based or other community-based organizations, minority universities or institutions, or traditional civil rights organizations, you are encouraged to apply under this Initiative.

b. *Eligible Activities*. The following are eligible activities for the Components under EOI: Conducting educational symposia or other training; developing new and innovative fair housing activities or materials into languages applicable to your community throughout your project area; providing outreach and information on fair housing through printed and electronic media; developing fair housing curricula; providing outreach to persons with disabilities and their support organizations and service housing providers; and working with homeless activists or persons to determine if fair housing plays a part in the homeless situation, and the general public regarding the rights of persons with disabilities under the Act. When conducting your outreach activities, we also encourage the use of existing, fair housing materials, except that we require that you translate these existing materials in languages applicable to your community. Organizations applying under the EOI National Media Campaign Component must conduct the above activities on a national level.

c. *Eligibility of Successor Organization*. HUD recognizes that organizations may merge with each other or other organizations. The merger of an eligible organization with a new organization that has a separate

Employee Identification Number (EIN) or DUNS does not confer eligibility status upon the successor. HUD will make the determination of whether the successor organization meets the eligibility requirements for this Initiative on a case-by case basis.

(1) *Disability Component.* Applicants that emphasize the fair housing needs of person with disabilities, so that persons with disabilities, housing providers and the general public better understand the rights and obligations under the Act and fully appreciate the forms of housing discrimination that persons with disabilities may encounter, should submit their applications to the EOI-Disability Component. Although the Component has a disability focus the funded activities must provide education and outreach to all persons protected under the Act.

(2) *Hispanic Fair Housing Awareness Component.* Applicants must be able to provide bilingual materials and services to Hispanics so that they are aware of and educated about their fair housing rights and responsibilities under the Fair Housing Act. In addition, applicant and staff must have demonstrated bilingual experience, which is defined as 3 years of proven experience in providing social services to persons of Hispanic origin; or must have established a partnership with an established grass-roots, faith-based or other community-based organization to carry out the objectives of this component. Although the component has a focus in providing education and outreach to Hispanic communities, the funded activities must provide education and outreach in a non-discriminatory manner. Grantees may not deny services to any protected class.

(3) *Fair Housing and Minority Homeownership Component.* Under the Fair Housing and Minority Homeownership Component, applicants must demonstrate the ability to conduct community outreach activities to educate people about their rights under the Fair Housing Act and to prepare them for homeownership. The goal of this Component is to improve access to homeownership by racial and ethnic minorities by educating them about fair housing and how to recognize discriminatory housing practices in

sales and financing of housing. Applicants must demonstrate the ability to educate participants about unlawful discrimination including discrimination in the sale of dwellings, discrimination in the financing of dwellings and unlawful segregation resulting from steering and other activities. Please ensure that all activities are tied to the protections outlined in the Fair Housing Act.

(4) *General Component.* Applications for all other fair housing education and outreach activities should be submitted to the EOI-General Component.

(5) *National Media-Component.* Applicants who submit applications under the EOI National Program Media Campaign must provide a centralized coordination effort for the development, implementation, and distribution of a fair housing media campaign designed for FY2005's Fair Housing Month.

### 3. Fair Housing Organization Initiative

This Initiative provides assistance to projects (sponsoring organizations) that establish or build the capacity of organizations to become viable fair housing enforcement organizations, as referenced in 24 CFR part 125.103, that conduct fair housing enforcement activities in underserved areas (as defined in section V.) in rural areas and areas with new immigrants (especially racial and ethnic minorities who are not English-speaking or have limited English proficiency). It is the sponsoring organization that submits the application under this Initiative and certifies the sponsored organization's ability to become a QFHO or FHO. (Note: The sponsoring organization is ineligible if they received a grant under this Initiative in 2001 or 2002.) The sponsored organization whose enforcement capacity is established or enhanced by funding under this Initiative, will be allowed to participate in this Initiative for three years contingent upon acceptable annual performance reviews. Funds are allocated under this NOFA for this Initiative for three years and distributed to the sponsored organization by the sponsoring organization.

a. *Eligible Applicants.* Only the sponsoring organization is eligible to apply under this Initiative. The

sponsoring organization must be a qualified fair housing enforcement organization (QFHO). You must certify in this application that your organization is a QFHO. Sponsored agencies that cannot formulate as private, tax exempt non-profit charitable organizations cannot qualify as a QFHO or an FHO.

b. *Eligible Activities.* The proposed activities must build the enforcement capacity of the sponsored organization so that it can undertake all of the following activities by the conclusion of year 3 of the grant cycle:

(1) Complaint intake of allegations of housing discrimination, testing, evaluating testing results or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(2) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(3) Mediation or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(4) Litigating fair housing cases including procuring expert witnesses.

c. *Eligibility of Successor Organization.* HUD recognizes that QFHOs and FHOs may merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO or FHO status upon the successor. To determine whether the successor organization meets the eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization is not eligible to apply under this Initiative unless it establishes in its application that it is a private, tax-exempt organization with the requisite two years of enforcement related experience for a QFHO or one year experience for an FHO.

The following is a chart that summarizes the FHIP Components and Funding Available and Eligible Applicants:

Initiative/component	Allocation amount available	Applicant eligibility	Project period	Award caps
<p><i>Private Enforcement Initiative (PEI):</i> Assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Fair Housing Act and substantially equivalent state and local fair housing laws.</p> <p>See Section I of the FHIP NOFA-Funding Opportunity Description.</p>	\$11,850,000	QFHOs and FHO (with at least one year of enforcement related experience). See Section III of the FHIP NOFA-Eligibility Information.	12–18 months .....	\$275,000
<p><i>Fair Housing Organization Initiative:</i> Assistance to projects (sponsoring organizations) that establish or build the capacity of organizations to become viable fair housing enforcement organizations that conduct fair housing activities in underserved areas (as defined in Section III "Program Definitions") or in rural areas with new immigrants especially immigrants with limited English proficiency. The sponsoring organization must submit the application and must certify that the sponsored organization has the ability to become a QFHO or FHO.</p> <p>See Section I of the FHIP NOFA-Funding Opportunity Description.</p>	2,100,000	Only QFHOs are eligible to apply under this Initiative to serve as a sponsoring organization. See Section III of the FHIP NOFA-Eligibility Information.	36 months .....	1,050,000
<p><i>Education and Outreach Initiative (EOI):</i> EOI Regional, Local and Community Based Program: Assists projects that inform the public about rights and obligations under the Fair Housing Act and substantially equivalent state and local fair housing laws. Applicants must develop a complaint referral process so that funded activities will result in referrals to HUD of fair housing complaints and other possible discriminatory housing practices.</p> <p>See Section I of the FHIP NOFA-Funding Opportunity Description.</p>	3,780,525	QFHOs, FHOs, public or private for profit or not for profit organizations or institutions, or other public or private entities that carry out programs to prevent or eliminate discriminatory housing practices. This includes agencies of state or local governments and agencies that participate in the Fair Housing Assistance Program (FHAP). See Section III of the FHIP NOFA-Eligibility Information.	12–18 months .....	100,000
<p><i>EOI-General Component:</i> Open to applicants for all other fair housing education and outreach activities.</p> <p>See Section I of the FHIP NOFA-Funding Opportunity Description.</p>	1,980,525	Same as EOI above. See Section III of the FHIP NOFA-Eligibility Information.	12–18 months .....	100,000
<p><i>EOI-Disability Component:</i> Applicants must emphasize the fair housing needs of persons with disabilities, so that persons with disabilities, housing providers and the general public better understand the rights and obligations under the Fair Housing Act and fully appreciate housing discrimination that persons with disabilities may encounter. The funded activities must provide education and outreach to all persons protected under the Fair Housing Act.</p>	500,000	Same as EOI above. See Section III of the FHIP NOFA-Eligibility Information.	12–18 months .....	100,000
<p><i>EOI-Hispanic Fair Housing Awareness Component:</i> Applicants must be able to provide bilingual materials and services to Hispanics so that they are educated about their fair housing rights and responsibilities under the Fair Housing Act. Funded activities must provide education and outreach in a nondiscriminatory manner. Grantees may not deny services to a client who is not Hispanic.</p> <p>See Section I of the FHIP NOFA-Funding Opportunity Description</p>	400,000	Same as EOI above. See Section III of the FHIP NOFA-Eligibility Information..	12–18 months .....	100,000

Initiative/component	Allocation amount available	Applicant eligibility	Project period	Award caps
<p><i>EOI-Minority Homeownership Component:</i> Under the Fair Housing and Minority Homeownership Component, applicants must demonstrate the ability to conduct community outreach activities to educate people about their rights under the Fair Housing Act and to prepare them for homeownership. The goal of this Component is to improve access to homeownership by racial and ethnic minorities by educating them about fair housing and how to recognize discriminatory housing practices in sales and financing of housing.</p> <p>See Section I of the FHIP NOFA-Funding Opportunity Description.</p>	400,000	Same as EOI above. See Section III of the FHIP NOFA-Eligibility Information.	12–18 months .....	100,000
<p><i>EOI-National Program-National Media Component:</i> Applicants who submit applications under the EOI National Program Media Campaign must provide a centralized coordination effort for the development, implementation, and distribution of a fair housing media campaign designed for FY 2005's Fair Housing Month.</p> <p>See Section I of the FHIP NOFA-Funding Opportunity Description.</p>	500,000	Same as EOI above. See Section III of the FHIP NOFA-Eligibility Information.	12–18 months .....	500,000

#### B. Cost Sharing or Matching

No matching funds are required for the Education and Outreach or Private Enforcement Initiatives. Federal funds can be used as matching funds if the statutes governing the Federal funds consider the funds to be local resources.

#### C. Other

##### 1. Threshold Requirements

a. *Tax Exempt Status.* Applicants for the PEI and FHOI Initiatives are ineligible for funding if they are not a 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service (IRS) at the deadline date for application submission.

b. *Name Check Review.* See the General Section

c. *Poor Performance.* Applicants are ineligible for funding if they are a previous FHIP grantee that has received a "Poor" performance rating for its most recent performance rating from its Government Technical Representative. HUD will assess performance ratings for applicants who have received FHIP funding in 2001 or 2002. If the applicant has received a "poor" performance rating for its most recent performance rating from its Government Technical Representative, its application is ineligible for FY 2004 competition. An applicant that does not agree with its determination of ineligibility for the FY2004 competition because of "poor" performance must address to HUD's satisfaction the factors resulting in the "poor" performance rating before the

FHIP application deadline. If the "poor" performance rating is not resolved to the Department's satisfaction before the application deadline, the application is ineligible for funding. HUD is interested in increasing the performance level of all grantees; therefore, applicants who are deemed ineligible because of a "poor" performance rating have the right and are encouraged to seek technical assistance from HUD to correct their performance in order to be eligible for future NOFA competition.

d. *Suits Against the United States.* Your application is ineligible for funding if, as a current or past recipient of FHIP funds, your organization used any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

e. *Other Litigation.* Your application is ineligible for funding if you used funds provided by HUD under this program to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (24 CFR 125.104).

f. *Hispanic Fair Housing Awareness Component.* Applicants are ineligible for funding if current bilingual staff has not worked with the organization for three years and if the organization does not have three years of proven experience providing bilingual services. You must list all bilingual employees and provide proof of employment. Grantees may not deny services to any protected classes under the Fair Housing Act.

g. *FHOI.* Applicants for FHOI only are ineligible if their organization received previous FHOI awards in FY2002 or FY2003.

h. *Media-based Applications.* Applicants who submit applications under the EOI National Program Media Campaign must have as their primary responsibility advertisement and media and have at least five years of experience as an advertisement/media organization, or if the applicant is not a media organization, it must include as part of its proposal a subcontract with an established media/advertising or public relations organization that has experience in conducting national media campaigns. Applicants that fail to meet this requirement or include such subcontract arrangements in their proposals will be ineligible for funding.

i. *Maximum award.* Applicants are ineligible for funding if they request funding in excess of the maximum allowed under the initiative or component for which they are applying. Any amount over the maximum award, even if less than one dollar, will be considered a request in excess of the maximum award. In addition, inconsistencies in the amount requested and/or miscalculations that result in amounts over the maximum award will be considered excessive; therefore the application is ineligible.

j. *Dun and Bradstreet Numbering System (DUNS) Numbering Requirement.* Refer to General Section of SuperNOFA for information



regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD.

k. *Majority of Activities.* If a majority (51 percent or more) of the activities and costs within your application, Statement of Work (SOW) and budget are not fair housing related activities, your application will be deemed ineligible.

l. Applicants must receive a minimum of 75 rating points to be considered for funding.

2. *Program Requirements for All Initiatives.* In addition to the Threshold Requirements in section III.C. of the General Section of the SuperNOFA, your FHIP-funded program application must also meet the following requirements:

a. *Protected Classes.* All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin.

b. *Tester Requirements for PEI and FHOI applicants.*

(1) Testers in your FHIP-funded testing activities must not have prior felony convictions or convictions of crimes involving fraud or perjury. All testers must receive training acceptable to HUD or be experienced in testing procedures and techniques. Testers and the organizations conducting tests, and the employees and agents of these organizations may not:

(a) Have an economic interest in the outcome of the test, except to the extent that they could recover damages as provided by law;

(b) Be a relative related by adoption, blood, or marriage to any party in a case;

(c) Have had any employment or other affiliation, within the past year, with the person or organization to be tested; or

(d) Be a licensed competitor of the person or organization to be tested in the listing, rental, sale, or financing of real estate.

(2) *Review and Approval of Testing Methodology.* If your SOW proposes testing, other than rental housing testing, HUD may require copies of the following documents to be reviewed and approved by HUD prior to your carrying out the testing activities.

(a) The testing methodology to be used,

(b) The training materials to be provided to testing, and

(c) Other forms, protocols, cover letters, etc., used in the conduct of testing and reporting of results.

The testing methodology and training materials that you submit to HUD for review and approval are for enforcement purposes and will remain confidential.

(3) *Tester Training.* You must provide sufficient information in the application

to show how testers are trained by our organization and how the materials will be used.

(4) *Retainer Fees.* If you are a recipient of FHIP funds, you cannot require any complaint to whom you are providing assistance using FHIP funds, to sign a retainer agreement of other contract for legal fees as part of the filing, commencement, or maintenance of a Fair Housing Act complaint. If the FHIP recipient has a successful settlement or a verdict, then the FHIP is able to include its reasonable fees as a part of the settlement, though the complainant shall be under no obligation to accept such an agreement. If reasonable legal fees are recovered, the FHIP agency must return a portion of its recovery to HUD, in proportion to the amount of FHIP funds spent on the prosecution of the case.

(a) Agencies that are the recipients of FHIP funds agree to provide HUD with information regarding the recovery of fees and applicable reimbursement of FHIP funds to HUD on a yearly basis;

(b) All settlements and verdicts involving cases processed using FHIP funds are a matter of public record. An agency cannot claim attorney-client or other privilege against the release of data concerning the case.

(c) This restriction on withholding of information must be communicated to the complainant.

(d) The complainant must agree to such a restriction before the case can be processed using FHIP funds.

(5) *Performance Measures and Products.* For all Initiatives:

(a) Your Logic Model must demonstrate how your project activities will support HUD goals; and

(b) Identify performance measures/outcomes in support of those goals, describe your proposed record keeping and evaluation systems, and identify current (baseline) conditions and target levels of the performance measures that you plan to achieve.

(i) For PEI, your application also must contain a strategy for generating enforcement related project products, with related timelines and milestones.

(ii) For FHOI, if the sponsoring organization is enhancing an existing organization, then the sponsoring organization must submit a statement outlining: what is expected of the sponsored organization, and that the sponsored organization will be part of the program. If the sponsoring organization is being created, then the sponsored organization must submit a mission statement for the sponsoring organization and a timeline for creation and independence. If selected for funding, your final performance

measures will be negotiated between you and HUD as part of your executed grant agreement.

Applicants must submit a Logic Model (Form HUD-96010) in their application and report against planned actions on a quarterly basis as specified in the award agreement, refer to the Logic Model (Form HUD-96010) provided in the forms appended to the General Section.

(6) *Single Applications.* Except for applicants under FHOI, all applicants may submit only one application under the FHIP. FHOI applicants may apply under FHOI and one other Initiative. Applicants must determine which Initiative/Component to which they want to apply and submit a completed application to only that Initiative/Component. Multiple applications applying to more than one, Initiative/Component, except FHOI, will be treated as a technical deficiency and the applicant will be asked to identify the application they want reviewed.

(7) *Independence of Awards.* HUD will review each eligible application separately and without reference to other applications submitted by you or others. However, the application you submit must be independent and capable of being implemented without reliance on the selection of other applications submitted by you or other applicants.

(8) *Training funds.* Your proposed budget must set aside funds to participate in HUD mandatory sponsored or approved training, \$3000 for 12-18 month projects (EOI and PEI); and \$6000 annually for 36 month projects (FHOI). For FHOI, there must be attendance from the sponsoring and sponsored organization.

Requests to attend HUD approved training must be submitted to the GTR for approval in advance of the requested training. Do not include amounts over the \$3000 or \$6000 (as appropriate) for the training set aside in this category. If applicants do not include these funds in the budget and you are selected for an award, HUD will modify your budget, reallocating the appropriate amount for training. If awardees' key personnel do not attend mandatory HUD approved or HUD sponsored training, training funds must be returned to HUD and it will be reflected on your performance assessment.

(9) *Accessibility Requirements.* All activities, facilities, and materials funded by this Program must be accessible to persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54).

(10) *Fair Housing Act.* HUD expects applicants to address housing discrimination covered under the Fair

Housing Act. HUD has determined there is a need to ensure equal opportunity and access to housing in communities across the nation.

(11) *Research Activities*. Applicants are ineligible for funding if 100 percent of their project is aimed at research.

(12) *Tax Exempt Status*. Your application must include a copy of your Letter of Determination from the Internal Revenue Service dated prior to the deadline date of this FHIP Program Section of the SuperNOFA, establishing your 501(c)(3) tax-exempt status. Failure to submit this with your application is a technical deficiency.

(13) *Limited English Proficiency (LEP)*. Applicants obtaining an award from HUD must seek to provide access to program benefits and information to LEP individuals through translation and interpretive services in accordance to the HUD's published LEP Recipient Guidance.

(14) For-profit awardees are not allowed to earn a profit and must adhere to OMB Circular A-122.

(15) *Single Audit Requirement*. All applicants who have expended \$500,000 or more in federal financial assistance in a single year (this can be a program or fiscal year must be audited in accordance with the OMB-A133 requirements as established in 24 CFR Part 84 and 85.

#### IV. Application and Submission Information

##### A. Addresses to Submit Application Package

Your application consists of an original signed application form (SF-424) and all items listed in the Checklist (see section for all submission

requirements). Mail your completed application (one original and three copies) to:

FHIP SuperNOFA 2004 [Specify the Initiative/Component to which you apply], FHIP/FHAP Support Division, Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 5224, Washington, DC 20410.

##### B. Content and Form of Application Submission

Please ensure that your application contains all of the following elements in the order described:

- SF-424\* (Place a copy of the SF-424 on top of application package.)
- SF-424 Supplement\*—Survey on Ensuring Equal Opportunity for Applicants.
- HUD-424—Assurances and Certifications\*.
- Transmittal Letter.
- Checklist for Completion of Applications.
- Project Abstract Outlining Project Activities.

- Factor No. 1 Narrative.
- Factor No. 1 Attachments: Tester Experience, Letter of Determination from IRS on 501(c)(3), if applicable.
- Factor No. 2 Narrative.
- Factor No. 3 Narrative.
- Factor No. 3 Attachments: Statement of Work (SOW) with activities listed in priority order, Budget Forms HUD-424-CB\* and HUD-424 CBW reflecting the order of the statement of work and prioritized activities,\* Budget Narrative.

(For EOI General only, separate Budget, Logic Model and SOW at 100 and 80% each.)

- Factor No. 4 Narrative.
- Factor No. 4 Attachments: Letter(s) of Firm Commitment.

- Factor No. 5 Narrative.
- Responses to Additional Requirements for Specific Initiative/Project.

- HUD-2880 (Applicant Recipient Disclosure Update Report (General Section)\*.

- OMB SF-LLL Disclosure of Lobbying Activities (General Section)\*.

- HUD-2990 Certification of Consistency with the RC/EZ/EC Strategic Plan (General Section)\*.

- HUD-2993 Acknowledgment of Application Receipt (General Section)\*.

- HUD-2994 Client Comments and Suggestions (General Section)\*.

\*Forms that reflect an asterisk are in the General Section of the NOFA.

This Checklist reflects all forms that must be included in your application submission. In addition to the above, all applicants must read and adhere to Initiative specific information. Applicants are encouraged to review the chart entitled "Summary of Initiatives/Components" to assist in identifying the Initiative and component to which you wish to apply.

##### C. Submission Dates and Times

You must submit a completed application (one original and three copies) for the specific initiative and component for which you are applying on or before on June 29, 2004 to the HUD Headquarters building. Applicants missing the deadline will have their applications returned without further review by the Technical Evaluation Panel.

What to submit	Required content	Required form or format	When to submit it
Application:			
Cover sheet .....	(per required form) .....	Form SF-424, available from (General Section).	Application due date.
Survey for Ensuring Equal Opportunity for Applicants.	.....	SF-424 Supplement .....	
Budget information .....	(per required form) .....	Form SF-424-CBW, available from (General Section).	
Narrative .....	Described in Section IV.2 of this announcement.	Format described in Section IV.B of this announcement.	
Assurances .....	(per required form) .....	Form SF-424B, available from (General Section).	
Letters from third parties contributing to cost sharing.	Third parties' affirmation of amounts of their commitments.	No specific form or format.	

##### D. Intergovernmental Review

Intergovernmental Review is not applicable to this program.

##### E. Funding Restrictions

###### 1. Administrative Costs for the Sponsoring Organization. The

sponsoring organization may use no more than 15 percent of the annually awarded funds to cover its costs to administer the grant.

###### 2. Enforcement Education & Outreach.

"There is a 5 percent limit on the amount of education-related

activities that can be funded in an enforcement award. If you exceed the limit, points will be deducted in the rating process and funds will be adjusted to maintain the required limitation.

## F. Other Submission Requirements

1. *For All Applicants.* The maximum narrative page requirement is ten pages per factor. All pages in your application must be numbered consecutively from beginning to end. The narrative pages must be double-spaced (no more than three lines per vertical inch). This includes all narrative text, titles, and headings. (However, you may single space footnotes, quotations, references, captions, charts, forms, tables, figures, and graphs). You are required to use 12-point type size. A page is 8.5 × 11 inch, on one side only, with one-inch margins top, bottom, right, and left. You must respond fully to each factor to obtain maximum points. Failure to provide narrative responses to all factors or omitting requested information will result in less than the maximum points available for the given rating factor or sub-factors. Failure to provide double-spaced, 12-point font type size narrative responses will result in five points being deducted from your overall score (one point per factor). Failure to consecutively number pages within your application will result in one point being deducted from your overall score.

2. *EOI-General Component.* Organizations applying under the EOI-General Component must submit a budget at 100 percent of proposed costs and activities.

Additionally, applicants must identify costs and activities in priority order so if HUD funds at an 80 percent level approved awards will reflect the priorities of the applicant. The activities and line item costs above the 80 percent should be reflected as optional activities in the applicant's SOW, Logic Model and Budget.

For example, if an applicant proposes 10 workshops, the applicant can designate two workshops as optional to reduce their funding by 20 percent. By providing the information in this manner if there are no further changes during negotiations the applicant does not have to submit another budget.

3. *Application Submission and Timeliness Procedures.* See the General Section of the SuperNOFA for specific procedures governing the submission and receipt of applications. HUD will acknowledge receipt of an application by letter to the applicant within 15 working days of receipt. Acknowledgement letters will be mailed via the U.S Postal Service to all applicants meeting the timeliness of application requirement.

## V. Application Review Information

### A. Criteria for Regional/Community-Based Applications

1. *Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (25 Points).* You must describe staff expertise and your organization's ability to complete the proposed activities within the grant period.

In General, HUD recognizes that, in carrying out the proposed activities, you may have persons already on staff, plan to hire additional staff, or rely on subcontractors or consultants to perform specific tasks. You must describe your staffing plan and the extent to which you plan to add staff (employees) or contractors. If your application proposes using subcontractors and these subcontractor activities amount to more than 10 percent of your total activities, you must submit a separate budget for each subcontractor. Failure to include a separate budget will result in lower points being assessed to your application.

a. *Number and expertise of staff (this includes subcontractors and consultants).* (5) Points for current FHIP grantees; (10) Points for New Applicants. You must show that you will have sufficient, qualified staff that will be available to complete the proposed activities. Provide the following information for all staff assigned to or hired for this project, not just key personnel (those persons identified in attachments to Rating Factor 3: Soundness of Approach). Applicants applying to the Hispanic Awareness Component must list all bilingual employees and provide proof of employment and the requisites below:

(1) Identify, by name and/or title and hours, all persons that will be assigned to the project. You must describe the knowledge and experience of the proposed overall project director or day-to-day program manager (whose duties and responsibilities include managing all program and administrative activities as outlined in the SOW and ensuring that all timelines are met), in planning and managing projects similar in scope and complex interdisciplinary programs. To receive maximum points, your day-to-day program manager must devote a minimum of 75 percent of his/her time to the project. For day-to-day managers who do not have at least 75 percent of their time devoted to the project, no points will be awarded under this sub-factor. For example, if the Executive Director is responsible for managing the overall program administrative activities, the application

should reflect the Executive Director's time as 75 percent. However, if a staff person will be assigned this responsibility, the 75 percent time should be reflected as such. You may demonstrate capacity by thoroughly describing your prior experience in fair housing. You should indicate how this prior experience is to be used in carrying out your proposed activities. Your application must clearly identify those persons that are on staff at the time this application is filed, and those persons who will be assigned at a later date; describe each person's duties and responsibilities and their expertise (including years of experience) to perform project tasks; indicate whether the staff person is assigned to work full-time or part-time (if part-time, indicate the percentage of time each person is assigned to the project).

(2) Attach resumes for all key personnel or position descriptions for newly created positions. (Resumes or position descriptions do not count against the ten-page limit.)

b. *Organizational experience.* (10) Points for current FHIP grantees, (10) Points for New Applicants. In responding to this sub-factor, you must show that your organization has: (1) conducted a past project or projects similar in scope and complexity to the project proposed in this application (whether FHIP-funded or not), or (2) engaged in activities that, although not similar, are readily transferable to the proposed project. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible activities. In rating this factor, HUD will consider experience within the last three years to be recent, experience pertaining to the specific activities to be relevant, and experience producing measurable accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor.

(1) *In addition.* If you are applying for funding under the EOI-Hispanic Fair Housing Awareness Component, provide the following information when responding to this sub-factor:

(a) A list of all bilingual materials developed and distributed.

(b) A description of specific instances where projects similar to the scope and activities proposed in this application had an impact in a Hispanic community.

(c) A description of recent relevant experience. Recent experience is experience within the past three years.

(2) *In addition*. If you are applying for funding under the EOI-Fair Housing and Minority Homeownership Component, provide the following information when responding to this sub-factor:

(a) A description of staff's experience in providing fair housing and homeownership advice with the objective of increasing awareness of homeownership opportunities and

(b) A description of staff's experience and accomplishments in advocating with the real estate industry, the mortgage lending industry, appraisers, and developers to increase awareness of homeownership opportunities.

(3) *In addition*. If you are applying for funding under PEI or FHOI, provide the following information when responding to this sub-factor:

(a) Describe the procedure you will use to ensure that testers comply with the requirements in section IV.B. of this NOFA.

(b) If you propose to conduct testing (other than rental or accessibility testing), projects proposing testing in the specific areas should document that, at a minimum, you have conducted successful testing in those areas. Provide a general description of when and where the tests occurred, the entities tested, and the overall results of the tests, including complaints filed and the settlements or remedies secured (for example, if testing is for sales of housing, your application should outline your sales testing experience).

(4) *FHOI*. Provide a statement of organizational capacity and experience of the sponsored organization and a list of persons who will work on the project along with their experience. c. Performance on past project(s). (10) Points for current FHIP grantees, (0) Points for new applicants. You must describe your organization's past performance in conducting activities relevant to your proposal, in the past two years (FY 2001 and 2002 FHIP grants), demonstrating good financial management and documenting timely use of funds, timely reporting and submissions of tasks and deliverables. HUD may supplement information you provide with relevant information on-hand or available from public sources such as newspapers, Inspector General or General Accounting Office Reports or Findings, hotline complaints that have been proven to have merit, or other such sources of information. In evaluating past performance, the following points will be deducted from your score under this rating sub-factor:

10 points out of 10 will be deducted if you received a "fair performance" assessment;

5 points out of 10 will be deducted if you received a "good performance" assessment; and

0 points out of 10 will be deducted if you received an "excellent performance" assessment.

(1) *In addition*. If you have received an FHOI or a PEI award under the FY2000, 2001, or 2002 FHIP Program, you must:

(a) Discuss your compliance with the mandatory referral requirement of all cases arising from FHIP-funded activities in FY2000, 2001, and 2002. Five points will be deducted for this sub-factor if you do not show in your application compliance with the requirement. The compliance discussion should provide an explanation if discrepancies exist. For example, your application notes receipt of 100 complaints. It also notes that only 25 complaints were referred. There should be an explanation for the difference of 75 complaints.

(b) Discuss your compliance with the requirement to reimburse the Federal government for compensation received from FHIP-funded enforcement activities. If you have not reimbursed the Federal government for such compensation, explain why you have not. Also, state whether you reported to HUD any likely compensation that may result in such reimbursement. Two points will be deducted for this sub-factor if you have not complied with the requirement.

2. *Rating Factor 2: Need/Distress/Extent of the Problem (20 Points)*. This factor addresses the extent to which there is a need for funding the proposed activities to address a documented fair housing problem(s) in the target area(s). You will be evaluated on the information that you submit that describes the fair housing need in the geographic area you propose to serve, its urgency and how your project is responsive to that need.

a. *Documentation of Need*. To justify the need for your project, PEI and EOI applicants must describe the following:

(1) The fair housing need, including:

(i) Geographic area to be served;

(ii) Populations that will be served—your project must serve all persons protected by the Act; and

(iii) The presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status, or disability.

(2) The urgency of the identified need. For example:

(i) The potential consequences to persons if your application is not selected for funding;

(ii) The extent to which the organizations provides the services identified in your application;

(iii) Other sources that support the need and urgency for this project. For example, make reference to reports, statistics, or other data sources that you used that are sound and reliable, including but not limited to, HUD or other Federal, state, or local government reports analyses, relevant economic and/or demographic data, including those that show segregation, foundation reports and studies, news articles, and other information that relate to the identified need. Chapter V of the *Fair Housing Planning Guide, Vol. 1* has other suggestions for supporting documentation. You may access the Guide from the HUD Web site at: [www.hud.gov](http://www.hud.gov).

(3) To receive maximum points under this sub-factor, applicants must submit data and studies that support (i), (ii), and (iii) above. Those that address each category and submit supporting data will receive higher points than those that do not.

For FHOI: to justify the need for a sponsored organization under FHOI, the sponsoring organization must describe the following:

(i) Populations that will be served: HUD has targeted for funding under this Initiative projects that will provide fair housing enforcement services to underserved areas, rural areas, and areas serving individuals who are immigrants (especially racial and ethnic minorities who are not English-speaking or have limited English proficiency);

(ii) The presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status, or disability, and submit data and studies that support your claim; and

(iii) Why the project area is underserved and why the proposed sponsored organization is needed. Your proposal must serve all persons protected by the Act.

For example, make reference to reports, statistics, or other data sources that you used that are sound and reliable, including but not limited to, HUD or other Federal, State or local government reports analyses, relevant economic and/or demographic data, including those that show segregation, foundation reports and studies, news articles, and other information that relate to the identified need.

For all applicants: If the fair housing needs you have identified are not

covered under the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) or if your locality does not have a CP or AI, you should so indicate, and use other sound data sources to identify the level of need and the urgency in meeting the need. For you to receive maximum points for this factor, there must be a direct relationship between your proposed activities, community needs, and the purpose of the program funding.

(4) To the extent possible, the data you use should be specific to the area where the proposed activity will be carried out. You should document needs as they apply to the area where activities will be targeted, rather than the entire locality or State. If the data presented does not specifically represent your target area, you should discuss why the target areas were proposed. The link between the need and your proposed activities:

(a) How the proposed activities augment or improve upon on-going efforts by public and private agencies, organizations and institutions in the target area, and/or

(b) Why, in light of other on-going efforts, the additional funding you are requesting is necessary.

(5) *In addition*, with respect to Documentation of Need, the following apply to specific FHIP initiatives or components:

(a) *EOI-Disability Component*. Your project must focus on individuals who are disabled and must serve all persons protected by the Act.

(b) *EOI-Hispanic Fair Housing Awareness Component*. Your project must focus on serving Hispanics and must serve all persons protected by the Act. Therefore, provide specific demographics on Hispanic neighborhoods to be served and the relationship of the area served to the objectives of the project. The need in these neighborhoods must be clearly stated and supported with documentation such as beneficiary information.

(c) *EOI-Fair Housing and Minority Homeownership Component*. Your project must document underrepresentation of homeownership by protected classes or a critical level of need for fair housing and homeownership activities in the area where activities will be carried out.

3. *Rating Factor 3: Soundness of Approach (40 Points)*. You must describe your project in detail, demonstrate how your project activities will support HUD goals, propose suggested performance measures/outcomes in support of these goals, and identify current baseline conditions and

target levels of the performance measures that you plan to achieve. Also attach a Statement of Work (SOW) and budget. Your proposed activities must support HUD's policy priorities as referenced in the General Section.

a. (8 Points) *Support of HUD Goals*. Describe how your proposed project will further and support HUD's policy priorities. For FY2004, FHIP applications, address the following: (1) All EOI-General, EOI-Disability, EOI-Hispanic Fair Housing Awareness, and EOI-Fair Housing and Minority Homeownership Component:

Applicants who:

(1) Relate HUD's policy priorities to:

(a) The project's purpose,

(b) Persons to be served,

(c) Geographic area to be served,

(d) Proposed activities and who will conduct these activities, e.g., you or a subcontractor(s) or consultant(s); and

(2) Provide a methodology for carrying out these activities that includes items (i) through (iv) above will be assessed as follows:

(a) Four points under this sub-factor if you are a grassroots faith-based or other community-based organizations, propose to partner or sub-contract with grassroots faith-based or other community-based organizations

(b) Up to two points under this sub-factor if your application specifically addresses regulatory barriers to affordable housing.

(c) One point under this sub-factor if your application specifically addresses the elimination of housing discrimination to improve our nation's communities; and

(d) One point under this sub-factor if your application specifically addresses housing discrimination to persons who are homeless because of housing discrimination in violation of the Fair Housing Act.

(3) *PEI and FHOI*. Applicants should discuss their project purpose and proposed activities, persons to be served, geographic areas and methodology and their relation to HUD's policy priorities (see General Section). Include specific information on how you will address the need(s) identified under Rating Factor 2. The quality of the response you provide to one or more of the policy priorities will determine the score you receive. You may receive points for each policy priority you address up to a total of eight points.

b. (17 Points) *Proposed Statement of Work (SOW) and Information Requirements*. The SOW and budget are attachments that will not count toward the 10-page limit on the narrative response to this factor. However, points

will be assigned based on the relevance of proposed activities to stated needs, attention to implementation steps, proposed activities consistent with organizational expertise and capacity and accuracy of the SOW and budget.

(1) *Statement of Work*—Submit a proposed SOW that comprehensively outlines in chronological order the administrative and program activities and tasks to be performed during the grant period. Your outline should identify all activities and tasks to be performed and by whom (e.g., you, a subcontractor, or partner), and the products that will be provided to HUD and when. You should also include a schedule of your activities and products (with interim implementation steps), staff allocation over the term of the project; staff acquisition and training; and activities of partners and/or subcontractors.

*EOI-General Applicants Only*—You must identify optional activities (to achieve an 80 percent budget) in order to receive full points under this sub-factor.

(2) *Information Requirements*. For PEI and FHOI, your application must include a description of the enforcement proposals to be referred to HUD. Your description must explain the information (see 24 CFR 121.2) you intend to collect and analyze, the type of complaints you anticipate referring to HUD for enforcement purposes, and describe the procedure you will implement for referring such complaints. If you propose a testing program, you must explain how you plan to structure the tests, train investigators, conduct investigations, etc. This description should make clear the safeguards to be used to ensure that complaints referred to HUD are fully jurisdictional under the Act and supported by credible and legitimate evidence that the Act has been violated. Describe the procedures you will put in place to ensure that referrals of all complaints are sent to HUD.

(3) *In addition*. For EOI Hispanic Fair Housing Awareness Component include:

(a) All bilingual key personnel and their capacity to communicate and disseminate information in projected Hispanic neighborhoods.

(b) A plan that reflects an understanding of the characteristics and needs of the neighborhoods selected and outlines a plan of action pertaining to the scope and detail of how the work outlined will be accomplished.

c. (15 Points) *The Budget Form and the Budget Information*—HUD will also assess the soundness of your approach by evaluating the quality, thoroughness,

and reasonableness of the budget and financial controls of your organization, including information on your proposed program cost categories. As part of your response you must prepare a budget that is:

- (1) Reasonable in achieving the goals identified in your proposed SOW;
- (2) Relate tasks in the SOW to the proposed budget costs;
- (3) Cost-effectiveness,
- (4) Quantifiable based on the need identified in Factor 2, and
- (5) Documents and justify all cost categories in accordance with the cost categories indicated in the HUD-424 CB (see General Section Grant Application Detailed Budget). Include your approved Indirect Cost rate in your budget submission, as well as the agency contact name and telephone number. If you do not have a federally approved indirect cost rate, please provide your proposed rate and submit an indirect cost rate proposal with your application. If HUD is the cognizant agency, it will establish a rate or contact the appropriate federal agency to establish a rate. For information on Indirect Cost rates, you can review HUD's training on <http://www.hud.gov>.

(6) *Cost Effectiveness of Program.* Discuss and provide supportive facts concerning the extent to which your proposed program is cost effective in achieving the anticipated results of the proposed activities. Also, indicate how the proposed project is quantifiable based on the needs identified in Rating Factor 2.

(7) *Financial Management Capacity.* Describe and provide documentation to support your organization's financial management system. In addition, provide documentation about your capabilities in handling financial resources and maintenance of an adequate accounting and internal control procedures.

(8) *In addition:* FHOI provide a statement of transfer of programmatic and management responsibilities from the sponsoring to sponsored organization by the end of grant year three. Also provide budgetary information on the viability of the sponsoring organization to maintain the sponsored organization for the duration of the grant.

Your Grant Application Detailed Budget HUD-424-CBW must show the total cost of the project and indicate other sources of funds that will be used for the project. While the costs are based only on estimates, the budget narrative work plan may include information obtained from various vendors, or you may rely on historical data. Applicants

must round all budget items to the nearest dollar.

A written budget narrative must accompany the proposed budget explaining each budget category listed. Failure to provide a written budget narrative will result in two points being deducted from your application. It must explain each cost category you list. Generally, estimated costs for high-cost items or subcontractors/consultants should be supported by bids from at least three sources. Where there are travel costs for subcontractors/consultants, you must show that the combined travel costs (per diem rates) are consistent with Federal Travel Regulations (41 CFR 301.11) and travel costs for the applicant's subcontractors and/or consultants do not exceed the rates and fees charged by local subcontractors and consultants. The narrative (which does not count toward the 10 page limit) and supporting documentation (which does not count toward the 10 page limit) must address the Grant Application Detailed Budget as referenced in the General Section.

(9) *Enforcement Education & Outreach*—Also, there is a 5 percent limit on the amount of education-related activities that can be funded in an enforcement grant. If you exceed this limit, points will be deducted from this sub-factor.

4. *Rating Factor 4: Leveraging Resources (5 Points).* This factor addresses your ability to secure additional resources to support your project. Points will be awarded on the basis of the percentage of non-FHIP resources you have identified and how firm the commitment is for those resources.

a. *Firm Commitment of Leveraging.* HUD requires you to secure resources from sources other than what is requested under this FHIP Program Section of the SuperNOFA. Community resources may include funding or in-kind contributions, such as workspace or services or equipment, allocated to the purpose(s) of your proposal. Contributions from affiliates or employees of the applicant do not qualify as in-kind contributions. Resources may be provided by governmental entities (including other HUD programs if such costs are allowed by statute), public or private non-profit organizations, faith-based organizations, for-profit or civic private organizations, or other entities willing to work with you. In order to secure points you must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals who will support your

project. Each letter of firm commitment must:

(1) Identify the organization and/or individual committing resources to the project,

(2) Identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must match those in your proposed budget submitted under Factor 3), and

(3) Describe how these resources will be used under your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the fair market value of those resources and describe how this fair market value was determined. (Do not include indirect costs within your in-kind resources). In-kind and matching contributions and Program Income must be in accordance with 24 CFR 84.23 and 84.24. FHIP funds cannot be used for in-kind or donated services (for example, a current staff person on a FHIP-funded project). No points will be awarded for general letters of support endorsing the project from organizations, including elected officials on the local, state, or national levels, and/or individuals in your community. For PEI and EOI, if your project will not be supported by non-FHIP resources, then you will not receive any points under this factor. Points will be assigned for PEI and EOI based on the following scale:

One point will be awarded if less than 5 percent of the projects total costs come from non-FHIP resources.

Two points will be awarded if between 5 percent and 10 percent of the project's total costs are from non-FHIP resources.

Three points will be awarded if between 11 percent and 20 percent of the project's total costs are from non-FHIP resources.

Four points will be awarded if between 21 percent and 30 percent of the project's total costs are from non-FHIP resources.

Five points will be awarded if at least 31 percent of the project's total costs are from non-FHIP resources.

For FHOI, two points will be awarded if between 5 percent and 10 percent of the project's total cost are from non-FHIP resources.

Three points will be awarded if between 11 percent and 20 percent of the project's total costs are from non-FHIP resources.

Four points will be awarded if between 21 percent and 30 percent of the project's total costs are from non-FHIP resources.

Five points will be awarded if at least 31 percent of the project's total costs are from non-FHIP resources.

5. *Rating Factor 5: Achieving Results and Program Evaluation (10 Points)*. In evaluating this factor, HUD will assess the extent to which you demonstrate how you will measure your success or results to be achieved that represent the work of your organization as set out in your budget. Applicants must describe their specific methods and measures to assess progress, evaluate program effectiveness, and identify program changes necessary to improve performance, to ensure commitments made will be kept and results to be achieved can be accounted for and independently assessed, to ensure performance measures are met. Applicants who have identified inputs and outcome measurement and include means for assessing these measures, tracking and monitoring performance goals and achievements against these commitments made in the application, will receive higher points than those that do not. To meet this requirement, you should:

a. First, identify the outcome. You should refer to the Logic Model provided in the forms appended to the General Section. Applicants should also review the Logic Model training which can be found at: <http://www.hud.gov/offices/adm/grants/training/training.cfm>.

b. Second, identify the indicator. An indicator should be explained using numerical measures that can determine the extent to which the outcome was or is expected to be achieved and/or utilized to assess your performance. You should also track or monitor how your projected outcomes will be successfully achieved. Specify what form of measurement tool(s) will be utilized to quantify the overall results of your project's performance.

In formulating how you attain your end results, estimate the types and amounts of clients you expect to be served with the amount allocated as it relates to your proposed budget. Estimate approximately how many of those served will benefit from your project's activities and tasks and estimate the timeframe for this to be accomplished.

Accomplishments can be achieved using specific measurements tools to assess the impact of your solutions. Examples include: Intake Assessment Instrument; Pre/Post Tests; Customer/Client Satisfaction Survey; Follow-up Survey; Observational Survey; Functioning scale; or Self-sufficiency scale. You should describe what kind of fair housing activities you propose to

accomplish and the success of your project, as identified in Rating Factor 2, for these activities. Finally you should consider this need, what you plan to accomplish, your proposed methodology and work plan to assess the benefits that will be derived from your project.

You should demonstrate the extent to which your application proposes solutions that result in creating linkages and using specific measurement tools to assess the impact of your project and a process to establish a clear relationship between all parties impacted. For the EOI-Disability Component, you should demonstrate how the activities will assist the Department in implementing the Olmstead Supreme Court decision. As your project ends, you must report meaningful data derived from client feedback on how they benefited from your project's activities.

#### *B. Criteria for National Program Applications*

*Factors for Award Used to Evaluate and Rate Applications for the National Education and Outreach Initiative Program.* The factors for rating and ranking applicants and the maximum points for each factor are provided below. The maximum number of points awarded any application is 100. Bonus points are not available for this category of funding.

##### **1. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 Points)**

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner, and the applicant's ability to develop and implement large information campaign projects as appropriate, on a national scale. The rating of the "applicant" or the "applicant's organization and staff" for technical merit or threshold compliance, unless otherwise specified, will include any sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to the project.

You must describe staff expertise and your organization's ability to complete the proposed activities within the grant period.

*In General.* HUD recognizes that, in carrying out the proposed activities, you may have persons already on staff, plan to hire additional staff, or rely on subcontractors or consultants to perform specific tasks. You must describe your staffing plan and the extent to which you plan to add staff (employees) or contractors. If your application proposes

using subcontractors and these subcontractor activities amount to more than 10 percent of your total activities, you must submit a separate budget for each subcontractor. Failure to include a separate budget will result in lower points being assessed to your application.

a. *Number and expertise of staff (this includes subcontractors and consultants).* (5) Points current FHIP grantees; (10) Points for new applicants. You must show that you will have sufficient, qualified staff that will be available to complete the proposed activities. Provide the following information for all staff assigned to or hired for this project, not just key personnel (those persons identified in attachments to Rating Factor 3: Soundness of Approach):

(1) Identify by name and/or title and hours, all persons that will be assigned to the project. You must describe the knowledge and experience of the proposed overall project director or day-to-day program manager (whose duties and responsibilities include managing all program and administrative activities as outlined in the SOW and ensuring that all timelines are met), in planning and managing national projects similar in scope and complex interdisciplinary programs. To receive maximum points, your day-to-day program manager must devote a minimum of 75 percent of his/her time to the project. For day-to-day managers who do not have at least 75 percent of their time devoted to the project, no points will be awarded under this sub-factor. For example, if the Executive Director is responsible for managing the overall program administrative activities, the application should reflect the Executive Director's time as 75 percent. However, if a staff person will be assigned this responsibility, the 75 percent time should be reflected as such. You may demonstrate capacity by thoroughly describing your prior experience in fair housing. You should indicate how this prior experience is to be used in carrying out your proposed activities. Your application must clearly identify those persons that are on staff at the time this application is filed, and those persons who will be assigned at a later date; describe each person's duties and responsibilities and their expertise (including years of experience) to perform project tasks; indicate whether the staff person is assigned to work full-time or part-time (if part-time, indicate the percentage of time each person is assigned to the project).

(2) Attach resumes for all key personnel or position descriptions for newly created positions. (Resumes or



position descriptions do not count against the ten-page limit.)

b. *Organizational experience.* (10) Points for current FHIP grantees; (15) Points for new applicants. In responding to this sub-factor, you must show that your organization has the ability to effectively develop, implement, and manage a media campaign on a national scale. (Applicants must be or include as part of their proposal a subcontract with an established media/advertisement organization that has experience in conducting national media campaigns.) Applicants for FHIP program funding must specifically describe their experience in developing or carrying out programs to prevent or eliminate discriminatory housing practices. Applicants must discuss their and/or subcontractor's ability to implement a coordinated national marketing awareness campaign, especially in the areas of fair housing, discrimination, public health, and housing. In responding to this sub-factor, the applicant must describe the extent to which its and/or subcontractor's past activities have resulted in successful national media campaigns as appropriate, especially with respect to developing and implementing innovative strategies resulting in positive public response. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake eligible activities.

In rating this factor, HUD will consider experience within the last three years to be recent, experience pertaining to the specific activities to be relevant, and experience producing measurable accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor.

c. *Performance on past project(s).* (10) Points for current FHIP grantees; (0) Points for new applicants. You must describe your organization's past performance in conducting activities relevant to your proposal, in the past two years (FY2001–2002 FHIP grants), demonstrating good financial management and documenting timely use of funds, timely reporting and submissions of tasks and deliverables. HUD may supplement information you provide with relevant information on-hand or available from public sources such as newspapers, Inspector General or General Accounting Office Reports or Findings, hotline complaints that have

been proven to have merit, or other such sources of information. In evaluating past performance, the following points will be deducted from your score under this rating sub-factor:

10 points out of 10 possible points will be deducted if you received a "fair performance" assessment;

5 points out of 10 possible points will be deducted if you received a "good performance" assessment; and

0 points out of 10 will be deducted if you received an "excellent performance" assessment.

## 2. Rating Factor 2: Need/Approach to the Problem (20 Points)

This factor addresses the extent to which the applicant documents and defines the national need that its proposed activities and methods are intended to address, and how its proposal offers the most effective approach for dealing with that national need. In responding to this factor, an applicant will be evaluated on the following:

a. The extent to which the applicant defines, describes, and documents the national need the application intends to address, which demonstrates a grasp of the elements of the problem, its pervasiveness at the national level, and an understanding of the necessary mass media vehicles. The applicant's description of the national need will be used to evaluate the depth of the applicant's understanding of the problem as an indication of ability to address the problem; and

b. If the applicant has experienced staff or if the applicant proposes to use a contractor sub-grantee, the extent to which the applicant provides a rationale for how it will utilize its staff or a contractor or sub-grantee to incorporate its proposed activities, methods, and media techniques will most effectively deal with the national need described by the applicant in response to sub-factor (1), immediately above. To the extent possible, applicants should demonstrate effectiveness in terms of scope and cost.

## 3. Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of the applicant's proposed Statement of Work (SOW). The SOW must address the strategy, quality and time frames needed to carry out the project and all activities as proposed.

a. (8 Points) *Support of HUD Goals.* Describe how your proposed project will further and support HUD's policy priorities. For FY2004 FHIP applications, address the following:

- (1) The project's purpose,
- (2) Persons to be served,
- (3) Geographic area to be served,
- (4) Proposed activities and who will conduct these activities, e.g., you or a subcontractor(s) or consultant(s).

Applicants who provide a methodology for carrying out these activities that includes items (1) through (4) above will be assessed as follows:

(a) Four points under this sub-factor if you are a grassroots faith-based or other community-based organizations, or propose to partner or sub-contract with grassroots faith-based or other community-based organizations

(b) Up to two points under this sub-factor if your application specifically addresses regulatory barriers to affordable housing.

(c) One point under this sub-factor if your application specifically addresses the elimination of housing discrimination to improve our Nation's Communities; and

(d) One point under this sub-factor if your application specifically addresses housing discrimination to persons who are homeless because of housing discrimination in violation of the Fair Housing Act.

b. (17 Points) *Statement of Work.* Submit a proposed SOW that comprehensively outlines in chronological order the administrative and program activities and tasks to be performed during the grant period. Your outline should also include a schedule of proposed activities and products (with interim implementation steps), staff allocation over the term of the project, staff acquisitions and training, and activities of partners and subcontractors.

For this Component, HUD anticipates that products will be available in at least 3 languages plus English. Deliverables may include Public Service Announcements (PSAs) for radio and television in both majority and minority markets, and posters and other graphic materials. Graphic materials may include, but are not limited to, enlarged reproductions of several print PSAs, separately produced and printed posters for national public dissemination, and the development of ad slicks to market in newspapers and magazines nationwide. The applicant should plan on using a clipping service or other appropriate means to collect information on frequency and scope of the placement of ads. Applicant's SOW should:

(1) Clearly describe the specific activities and tasks to be performed, the sequence in which the tasks are to be performed, noting areas of work which must be performed simultaneously,



estimated completion dates, and the work and program deliverables to be completed within the grant period, including specific numbers of quantifiable end products and program improvements the applicant aims to deliver by the end of the award agreement period as a result of the work performed;

(2) Provide national media market coverage, specific protected class focus, as well as focus on persons underserved (ethnic and racial minorities, especially those who are non-English speaking or who are not proficient in English); and

(3) Describe their methods for distribution of finished materials. Applicants must describe the methods they will use to distribute and gauge the effectiveness of their national marketing strategies.

c. (15 Points) Budget Form and Budget Information. A written budget narrative must accompany the proposed budget. The narrative (counted toward the 10-page limit) and supporting documentation (not counted toward the 10-page limit) must address the following for maximum points:

(1) Cost estimates of salary levels, staff assignments, number of staff hours, and all other budget items are reasonable, allowable, and appropriate for the proposed activities;

(2) The proposed program is cost effective in achieving its anticipated results, as well as in achieving significant impact; and

(3) The proposed program is effective by explaining and attaching back-up documentation for each cost category. Where there are travel costs for subcontractors/consultants, you must show that local subcontractors/consultants are not available and that the combined travel costs (per diem rates should be consistent with Federal Travel Regulations) and rates and fees of the out-of-town subcontractors/consultants do not exceed the rates and fees charged by local subcontractors and consultants.

(4) In addition, the proposed activities will be conducted in a manner (e.g., languages, formats, locations, distribution, use of majority and minority media) that will reach and benefit all members of the public, especially members of target groups identified in Factor 2;

(5) How proposed activities will yield long-term results and innovative strategies or "best practices" that can be readily disseminated to other organizations and state and local governments; and

(6) The proposed Media Campaign Component will make available activities, training and meeting sites,

and information services and materials in places and formats that are accessible to all persons including persons with disabilities.

#### 4. Rating Factor 4: Leveraging Resources (5 Points Maximum)

This factor addresses your ability to secure additional resources to support your project. Points will be awarded on the basis of the percentage of non-FHIP resources you have identified and how firm the commitment is for those resources.

a. Firm Commitment of Leveraging. HUD requires you to secure resources from sources other than what is requested under this FHIP Program Section of the SuperNOFA. National resources may include funding or in-kind contributions, such as workspace or services or equipment, allocated to the purpose(s) of your proposal. Contributions from affiliates or employees of the applicant do not qualify as in-kind contributions. Resources may be provided by governmental entities (including other HUD programs if such costs are allowed by statute), public or private non-profit organizations, faith-based organizations, for-profit or civic private organizations, or other entities willing to work with you. If your project will not be supported by non-FHIP resources you cannot claim in-kind and donation of resources and you will not receive any points under this factor. Points will be assigned based on the following scale: One point will be awarded if less than 5 percent of the projects total costs come from non-FHIP resources.

Two points will be awarded if between 5 percent and 10 percent of the project's total costs are from non-FHIP resources.

Three points will be awarded if between 11 percent and 20 percent of the project's total costs are from non-FHIP resources.

Four points will be awarded if between 21 percent and 30 percent of the project's total costs are from non-FHIP resources.

Five points will be awarded if at least 31 percent of the project's total costs are from non-FHIP resources. In order to secure points you must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals who will support your project. Each letter of firm commitment must:

(1) Identify the organization and/or individual committing resources to the project,

(2) Identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must

match those in your proposed budget submitted under Factor 3; and

(3) Describe how these resources will be used under your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the fair market value of those resources and describe how this fair market value was determined. (Do not include indirect costs within your in-kind resources.) In-kind and matching contributions and Program Income must be in accordance with 24 CFR 84.23 and 84.24. FHIP funds cannot be used as in kind or donated services (for example, a current staff person on a FHIP-funded project). No points will be awarded for general letters of support endorsing the project from organizations, including elected officials on the local, state, or national levels, and/or individuals in your community.

#### 5. Rating Factor 5: Achieving Results and Program Evaluation (10 Points)

In evaluating this factor, HUD will assess the extent to which you demonstrate how you will measure your success or results to be achieved that represent the work of your organization as set out in your budget and SOW. Applicants must describe their specific methods and measures to assess progress, evaluate program effectiveness, and identify program changes necessary to improve performance, to ensure commitments made will be kept and results to be achieved can be accounted for and independently assessed to ensure performance measures are met. Applicants who have identified inputs and outcome measurement and include means for assessing these measures, tracking and monitoring performance goals and achievements against these commitments made in the application, will receive higher points than those that do not. To meet this requirement, you should:

a. First, identify the outcome. You should refer to the Logic Model provided in the forms appended to the General Section. Applicants should review the training for the Logic Model on HUD's Web site. The URL where the training can be found is: <http://www.hud.gov/offices/grants/training/training.cfm>.

b. Second, identify the indicator. An indicator should be explained using numerical measures that can determine the extent to which the outcome was or is expected to be achieved and/or utilized to assess your performance. You should also track or monitor how your

projected outcomes will be successfully achieved. Specify what form of measurement tool(s) will be utilized to quantify the overall results of your project's performance.

In formulating how you attain your end results, estimate the types and amounts of clients you expect to be served with the amount allocated as it relates to your proposed budget. Estimate approximately how many of those served will benefit from your project's activities and tasks and estimate the timeframe for this to be accomplished.

Accomplishments can be achieved using specific measurements tools to assess the impact of your solutions. Examples include: Intake Assessment Instrument; Pre/Post Tests; Customer/Client Satisfaction Survey; Follow-up Survey; Observational Survey, Functioning scale, or Self-sufficiency scale. You should describe what kind of fair housing activities you propose to accomplish and how successful you project them to be given the national need, as identified in Factor 2, for these activities. Finally, you should consider this need, what you plan to accomplish, your proposed methodology and work plan to assess the benefits that will be derived from your project.

You should demonstrate the extent to which your application proposes solutions that result in creating linkages and using specific measurement tools to assess the impact of your project and a process to establish a clear relationship among all parties impacted. As your project ends, you must report meaningful data derived from client feedback on how they benefited from your project's activities.

#### B. Reviews and Selection Process

1. *Rating and Ranking.* Although all rating factors are organized the same way for all FHIP initiatives, there are differences in application requirements and rating criteria, which are indicated throughout the Rating Factor instructions. Your application for funding will be evaluated competitively against all other applications submitted under one of the following initiatives or components:

- a. Private Enforcement Initiative (PEI);
- b. Education and Outreach Initiative (EOI)—

(1) Regional/Local/Community-Based Program's:

- (a) General Component (EOI-GC);
- (b) Disability Component (EOI-DC);
- (c) Hispanic Fair Housing Awareness Component (EOI-HA);
- (d) Fair Housing and Minority Homeownership Component (EOI-HC);

(2) National Program: Media Component, or the Fair Housing Organizations Initiative (FHOI).

3. Fair Housing Organizations Initiative.

For all initiatives, all eligible applications will be reviewed and points awarded based upon your narrative responses to the Factors for Award and accompanying materials (e.g., resumes) and EC/EZ bonus points, as applicable. Ineligible applications will not be ranked. The maximum number of points to be awarded for the Rating Factors is 100. See section of the General Section for information on Bonus Points.

Applications with a score of 75 points or more will be considered of sufficient quality for funding. The Selecting Official will not select for award any application with a score below 75 points. Generally, applications of sufficient quality for funding will be selected in rank order under each initiative or component. HUD reserves the right to select applicants out of rank order to achieve greater geographic distribution of awards under each initiative or component, as described below. Selections under each initiative or component will continue to be made until either all allocated funds have been obligated or until no applications of sufficient quality remain.

c. *Tie Breaking.* When two or more applications have the same total overall score, the application with the higher score under Rating Factor 3: Soundness of Approach will be ranked higher. If this does not break the tie, the application with the higher score under Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience will be ranked higher. If this does not break the tie, the application requesting the lower amount of FHIP funding will be ranked higher. Finally, if this does not break the tie, the application with the higher score under Rating Factor 2 will be rated higher.

d. *Achieving Geographic Diversity of Awards.* (1) *PEI and EOI.* HUD reserves the right to select applications out of rank order under geographic diversity, to ensure that, to the extent possible, applications from more states for each initiative or component are selected for funding. If the Selecting Official exercises this discretion, there will be two determinants used: (a) Geography and (b) score. Geographic diversity shall be applied to all qualified applications (applications of sufficient quality for funding—applications that received a score of 75 or more points) in each Initiative or Component in which the Selecting Official applies geographic diversity. The geographic diversity

provision will be applied as follows: when there are two or more applications of sufficient quality from the same state, the application(s) with the lower score(s) will be moved to the end of the qualified queue. The applications moved to the end of the qualified queue will retain their geographic rank order. If sufficient funds remain, it is possible that applications moved to the end of the queue may be selected for award.

(2) *FHOI.* Under FHOI, the geographic diversity provision does not apply.

e. *Adjustments to Funding.* As provided in the General Section, HUD may approve an application for an amount lower than the amount requested, fund only portions of your application, withhold funds after approval, reallocate funds among activities and/or require that special conditions be added to your grant agreement, in accordance with 24 CFR 84.14, the requirements of the SuperNOFA the SuperNOFA, or where:

- (1) HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;
- (2) An ineligible activity is proposed in an otherwise eligible project;
- (3) Insufficient amounts remain to fund the full amount requested in the application, and HUD determines that partial funding is a viable option;
- (4) The past record of key personnel warrants special conditions; or,
- (5) Training funds are not reserved for FHIP training.

f. *Reallocation of Funds.* If after all applications within funding range have been selected or obligations are completed in an Initiative and funds remain available, the selecting official or designee will have the discretion to reallocate leftover funds in rank order among initiatives as follows:

(1) For EOI, any remaining funds from any component will be reallocated first within the initiative; if after reallocating funds within the initiative left over funds remain, they shall be reallocated to PEI then to FHOI;

(2) For PEI, any remaining funds will be reallocated to EOI then to FHOI;

(3) For FHOI, left over funds will be reallocated to PEI then to EOI.

Reallocated funds will be awarded within initiatives as described in this Program Section of the SuperNOFA.

#### C. Anticipated Announcement and Award Dates

For planning purposes, anticipate an announcement date of August 17, 2004, and an award date of September 17, 2004.

## VI. Award Administration Information

### A. Award Notices

1. *Applicant Notification and Award Procedures.* a. *Notification.* No information about the review and award process will be available to you during the period of HUD evaluation, which begins on the closing date for applications under this NOFA and lasts approximately 90 days thereafter, except to advise you, in writing or by telephone, if HUD determines that your application is ineligible or has technical deficiencies which may be corrected as described in the General Section of the SuperNOFA and Section of this NOFA. HUD will communicate only with persons specifically identified in the application. HUD will not provide information about the application to third parties such as subcontractors.

b. *Negotiations.* If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative or grant agreement. HUD will follow the negotiation procedures described in the General Section. The selection is conditional and does not become final until the negotiations between the applicant and the Department are successfully concluded and the grant or cooperative agreement is signed and executed. HUD will negotiate only with the person identified in the application as the Director of the organization or if specifically identified in the application, the Project Director. HUD will not negotiate with any third party (*i.e.*, a subcontractor, *etc.*).

c. *Applicant Debriefing.* After awards are announced, applicants may receive a debriefing on their application as described in the General Section. Materials provided during the debriefing will be the applicant's final scores for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied. Applicants requesting a debriefing must send a written request to Annette Corley, Grant Officer; U.S. Department of Housing and Urban Development, FHIP/FHAP Support Division, 451 7th Street, SW., Room 5224, Washington,

DC 20410. HUD will not release the names of applicants or their scores to third parties. Selections do not become final until final negotiations with HUD are successfully concluded.

### B. Administrative and National Policy Requirements

1. *Accessibility Requirements.* All activities, facilities, and materials funded by this Program must be accessible to persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54).

2. *Protected Classes.* All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin.

3. *Environmental Requirements.* In accordance with 24 CFR 50.19(b)(3), (4), (9), (12), and (13) of HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under related laws and authorities.

4. *Product Information.* Press releases and any other product intended to be disseminated to the public must be submitted to the Government Technical Representative (GTR) two weeks before release for approval and acceptance.

5. *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Woman-Owned Businesses.* (See General Section.)

6. *Payment Contingent on Completion.* Payment of FHIP funds is made on a reimbursement basis. Payments are contingent on the satisfactory and timely completion of your project activities and products as reflected in your grant or cooperative agreement. Requests for funds must be accompanied by financial and progress reports.

7. *Copyright Materials.* You may copyright any work that is eligible for copyright protection subject to HUD's right to reproduce, publish, or otherwise use your work for Federal purposes, and to authorize others to do so as required in 24 CFR 84.36.9.

8. *Complaints Against Awardees.* Each FHIP award is overseen by a HUD Grant Officer (*see* Appendix B for list of Grant Officers per region). Complaints

from the public against FHIP grantees should be forwarded to the Grant Officer. The Grant Officer's name and contact information is provided in the grant agreement. If, after notice and consideration of relevant information, the Grant Officer concludes that there has been inappropriate conduct, such as a violation of FHIP program requirements, terms or conditions of the grant, or any other applicable statute, regulation or other requirement, HUD will take appropriate action in accordance with 24 CFR 84.62. Such action may include: Written reprimand; consideration of past performance in awarding future FHIP applications; repayment to HUD of funds received under the grant; or temporary or permanent denial of participation in the FHIP in accordance with 24 CFR part 24.

9. *Double Payments.* If you are awarded funds under this NOFA, you (and any subcontractor or consultant) may not charge or claim credit for the activities performed under this project under any other Federal project.

10. *Performance Sanctions.* A grantee or subcontractor failing to comply with the requirements set forth in its grant agreement will be liable for such sanctions as may be authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of further participation in programs of HUD or any federal agency.

### C. Reporting

1. HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use Form HUD-27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found on <http://www.HUDclips.org>, a comparable program form, or a comparable electronic data system for this purpose.

2. Listed below is a sample reporting document of activities and tasks to be performed by a FHIP Grantee.

BILLING CODE 4210-32-P

ADMINISTRATIVE ACTIVITIES		TASKS	SUBMITTED BY	SUBMITTED TO
ACTIVITIES				
1. Complete HUD-22081 Race and Ethnic Data Reporting Form			45 Days	GTR/GTM
2. Complete HUD-2880 Disclosure Statements		Submit Disclosure Statement. If no changes occur, submit statement of no change with final report.	When changes occur	GTR/GTM
3. Complete SF-269A Financial Status Report and Written Quarterly Status Reports on All Activities		Submit SF-269A and Copy of Written Report.	Quarterly	GTR/GTM
4. Voucher for Payment		Submit payment request to LOCCS.	Per Payment Schedule	GTR/GTM
5. Complete Listing of Current or Pending Grants/Contracts/Other Financial Agreements		Submit listing for recipient and any contractors.	45 Days and At end of Grant	GTR/GTM
6. Prepare and Submit Draft of Final Report		Submit Draft of Report. Report Summary should include objectives, accomplishments, and results. Complaint and testing activities should summarize data on complaints received and tests conducted by basis, issues, and outcomes. This should include number of credible, legitimate complaints filed with HUD, a State or local Fair Housing Agency, Department of Justice or private Litigator; and types of relief/results.	One month before end of grant term.	GTR/GTM
7. Complete Final Report and Provide Copies of All Final Products Not Previously Submitted		Submit a copy of the Final Report and All Final Products not previously submitted to GTR and GTM.	Within 90 days after end of grant term.	GTR/GTM
8. Submit 2 copies of Final Report and all final program products produced under the Grant (with diskette, where feasible) to HUD.		Submit activities and database entry sheet(s) to HUD. Submit copy of HUD database entry sheet(s) or detailed description of items submitted to GTR and GTM.	Within 90 days after end of grant term.	GTR/GTM
PROGRAM ACTIVITIES		TASKS	SUBMITTED BY	SUBMITTED TO
ACTIVITIES				
1. Contact HUD and/or other information sources to obtain any appropriate materials prior to development of new materials		Provide list of materials requested.	90 days	GTR/GTM. Submit one copy of <b>all final products</b> to HUD
2. Review/refine Referral Process to refer potential victims to HUD or a state or local agency.		Submit copy of Referral Process. All audit-based enforcement actions should be referred to HUD.	45 days	GTR/GTM

**BILLING CODE 4210-32-C**

3. Funded recipients must use the Logic Model to report outcomes and outputs.

**VII. Agency Contact(s)**

You may contact Myron P. Newry or Denise L. Brooks of the FHIP/FHAP Support Division, at 202-708-0800 (this is not a toll-free number). Persons with hearing or speech impairments may contact the Division by calling 800-290-1617 (this is a toll-free number).

**VIII. Other Information**

A. *Paperwork Reduction Act.* The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2529-0033. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to a collection of information unless the collection displays a currently valid OMB control number. Public reporting burdens for the collection of information is estimated to average 100 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

**B. Frequently Asked Questions.**

Q. If data, tables, exhibits, reports, and studies are submitted with the application, will they be counted toward the 10-page limit requirement?

A. The attachments do not count toward the 10-page limit. However, you are encouraged to summarize the points that support your Factor responses. Do not attach data tables, exhibits, and studies and expect the evaluator to read them and discern the points that should be considered. If you summarize information from studies, reports, etc., simply include a bibliography or other reference at the end of Factor.

Q. In previous years, FHIP applicants were not required to submit the Certification of Consistency with the Consolidated Plan. Is the Certification required this year?

A. For FY2004, the Certification of Consistency with the Consolidated Plan is not required.

Q. Where can I find a copy of the Application Kit?

A. There is no Application Kit for the FY2004 FHIP SuperNOFA. The NOFA

clearly describes the requirements for completing a successful application and all forms and certifications needed to complete the application are included in the General and FHIP Sections of the SuperNOFA.

Q. What is the maximum number of narrative pages that can be submitted for each Rating Factor?

A. The maximum number is 10 pages per Rating Factor. This does not include any attachments that may be required under each factor (for example, the proposed statement of work and budget required under Factor 3, Resumes as required by Factor 1, or any reports or documents you attach to support your Factor information). The narrative pages must be double-spaced and you are required to use 12-point type size (font). However, all pages in the application must be consecutively numbered starting with number one through the end of your application. For example, Factor 1 has 10 pages of narrative and 10 pages of attachments. Each attachment page must be numbered. When you get to Factor 2, the first page of the Factor will be numbered 21, and so on. If you do not number each page in your entire application, points will be deducted from your application if this criterion is not met.

Q. The FHIP SuperNOFA refers to QFHOs and FHOs. What is the difference between them?

A. These terms are defined in the FHIP regulations. Both organizations must be private, tax-exempt, charitable organizations that have engaged in enforcement-related activities. The amount of enforcement-related experience is an eligibility requirement for PEI, least one year for and FHOI, at least two years. (See 24 CFR 125.103 for QFHO and 24 CFR 125.401(b)(2) for FHO.) For PEI and FHOI, applicants must self-identify as a QFHO or an FHO AND provide information, including dates of enforcement-related activities. The information you provide should enable HUD to determine if your organization meets at least the one or two year enforcement-related experience requirement.

Q. May an applicant subcontract out a percentage of its activities to subcontractors, partner, or consultants, if it is selected for a FHIP award?

A. Yes. However, when the expenditures to a particular subcontractor, partner, or consultant exceed 10 percent of the grant amount, an itemized budget is required.

Q. Is an organization "engaged in testing for fair housing violations" if it hires a qualified organization to carry out its testing program?

A. Yes, so long as the applicant maintains decision making authority, analyzes the test results, and maintains oversight or selection of testing operations.

Q. Does the SuperNOFA identify what makes an application ineligible?

A. Yes. For FHIP, see the eligibility requirements for each Initiative, and the Threshold Criteria. For threshold requirement information under the SuperNOFA, see the General Section.

Q. Can an applicant propose to do an Analysis of Impediments (AI)?

A. No. The applicant can identify activities to be carved out of the AI but not to do planning to develop AI.

Q. Are there major differences between this year's SuperNOFA and last year's?

A. Yes, those differences are explained in Section of the FHIP NOFA and Section of the General Section of the SuperNOFA. Please note the major differences in eligibility requirements. Some requirements that were technical deficiencies in previous years are ineligible under this NOFA.

Q. At what point may a FHOI "sponsored organization" apply under any FHIP Initiative?

A. A sponsored organization is eligible after three years to apply for funds under other initiatives or components.

Q. What are maximum awards?

A. Maximum award is the maximum amount that will be awarded under the Initiative for which you are applying. If you request an amount over this maximum amount, your application will be declared ineligible.

Q. Where do you send completed applications?

A. All completed applications must be received by the FHIP/FHAP Support Division Office in Washington, DC. These applications should be mailed or sent by an express service to the address stated in the SuperNOFA under the Section Addresses and Application Submission Procedures. Please note that applications incorrectly addressed may not be forwarded to this Division at all or it may be forwarded late. If that happens, your application will be deemed ineligible.

Q. What is the best method of knowing that the appropriate person has received my application? Should I follow up with a call?

A. Include with your completed application a complete copy of the Acknowledgment of Application Receipt. Be sure to include your correct mailing address and the person to whom the Acknowledgment should be sent. The Acknowledgement will be returned to the address indicated. HUD

will not acknowledge the receipt of applications over the telephone (*see* General Section for return receipt requirements).

Q. What is the Web site address?

A. *Http://www.hud.gov/grants*.

Q. What is the due date?

A. The due date is outlined in this NOFA under Section IV. Application and Submission Information.

Q. If I have a technical question, can I call HUD?

A. Yes, technical questions should be directed to Myron P. Newry, or Denise L. Brooks of the FHIP/FHAP Support

Division at (202) 708-0800 (this is not a toll-free number). Persons with hearing or speech impairments may call 800-290-1617 (this is a toll-free number). Technical assistance does not include assisting you in determining your eligibility to apply for funds. Applicants must make their own determination, based upon the requirements identified in the FHIP component under the section labeled Eligible Applicants. Technical Assistance cannot be provided to help you write any part of your application

or develop responses to the application requirements. Rather, technical assistance, outside of the training broadcasts, will only clarify general application and program requirements published in the NOFA.

Q. What is meant by geographic diversity?

A. *See* information under section V.B.

Q. As an FHOI applicant, are education and outreach expenses required to come out of my 15 percent administrative costs?

A. No.